

CIVIL DOCKET
UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p><u>EDUCATIONAL DEVELOPMENT CORPORATION,</u></p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p><u>THE ECONOMY COMPANY,</u></p> <p style="text-align: center;">Defendant.</p>	<p>For plaintiff:</p> <p>Barry J. Galt James L. Kincaid 2400 First National Tower Tulsa, Oklahoma 74103 (918) 566-5780</p> <p>Ford F. Farabow, Jr. 1775 K Street, N.W. Washington, D.C. 20006 (202) 293-6850</p> <p>For defendant:</p> <p>Jerry J. Dunlap 219x8000hxDxxxx0x8x73102 914 Royce H. Savage (587-0005) World Bldg., Tulsa, Okla 74103</p> <p>Jerry J. Dunlap DUNLAP & CODDING 510 Fidelity Plaza Oklahoma City, OK 73102 (405-239-7061)</p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 9-1-73	Clerk	8-3-73	Conners...	15.00	
		8-9-73	C.D.No.2		15 00
J.S. 6 mailed 4-1-76	Marshal				
Basis of Action: Infringement of a trademark. 15 U.S.C. Sec. 1051	Docket fee Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-3-73	Complaint filed and Summons issued. v	
8-10-73	Summons, ret. & filed: served The Economy Co. 8-8-73. (USM \$4.72)g	
8-23-73	Order filed. Upon stip of counsel for parties, Court grants deft until 9-27-73 in which to file its answer to complaint. (FD-J)r (Copies Mailed)	
9-27-73	<u>Answer</u> and <u>Counterclaim</u> filed by defendant. h	
9-27-73	Motion to dismiss, or in the alternative, to transfer this case to the Western District of Oklahoma filed by defendant. h (brief attached)	
10-2-73	Ltr dated 10-1-73 from J.D to Pltf., directing that the Pltf respond to the Mtrn to Dismiss. If mtn is opposed, brief should be accompanied. Fifteen days are granted within which to file response (Due 10-16) filed.r	
10-15-73	Answer brief of pltf. to defs. mo/dismiss, filed. rm	
10-15-73	<u>Reply</u> of pltf. to counterclaim, filed. rm	
12-5-73	Order, filed, re question of transfer to WD; ct. will conduct evidentiary hrg. on point of venue. (FD-J)rm - copies mailed	
1-22-74	First interrogatories to defendant, filed. ds	
2-27-74	Stipulation and order, filed, granting deft. until 3-25-74 to answer pltf's first interrogatories. (FD-J)hm (copies mailed)	
3-22-74	MO: Ordered by the Court that this case is set for Evidentiary Hearing on Deft.'s Motion to Transfer on 4-16-74 at 3:45 P.M. (FD-J)v	<i>docket mtd to parties</i>
3-22-74	Deft's Answers to Pltf's First Interrogatories, filed. e	
4-16-74	Hearing on def. mo/transfer stricken by Court, to be reset at later date to allow defs. to file addl. mo/transfer under 28 USC 1404(a). (FD-J)rm	
5-13-74	Motion to Transfer this Case to the Western District of Okla. (28 U.S.C. 1404) and Memorandum in Support of Economy's Motion, filed. e Affidavit in Support of Economy's Motion to Transfer This Case to the Western District Court of Okla., filed.e	
5-20-74	Ltr. to pltf. directing them to respond to mo/transfer of def. by 6/2/74 w/brief & supporting affidavits. (FD-J)rm	
6-3-74	Response of pltf. to def. mo/transfer, filed. rm	
6-3-74	Affidavit of James L. Kincaid, filed. rm	
6-12-74	Order, filed, denying def.'s mo/transfer. (FD-J)rm - copies mailed	
8-1-74	MO: Case set for pre-trial for 10 a.m., 8/21/74. (FD-J)rm	
8-2-74r	Deft's 1st Interrogatories to Pltf., filed.jj	
8-8-74	Joint appl. of parties to strike case from pt docket, filed. rm	
8-8-74	Order, filed, granting parties req. to strike case from pt docket. (FD-J)rm	
8-19-74	MO: Ordered by the Ct. that this case is set for pre-trial for 12:00 Noon, 9/10/74. (FD-J)rm - notices mailed	
9-4-74	APPLICATION to File Responses separate from Interrogatories, filed.	
9-4-74	MEMO. BRIEF in Support of Application to File Responses Separate from Interrogatories, filed.jj 0 to J	
9-9-74	Order, filed, granting pltf. leave to file responses separate from interrogatories. (FD-J)rm - copies mailed	

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-3-74	Pltf's second interrogs. to deft., filed. g	
9-10-74	Responses to Deft.'s First Interrogatories to Pltf., filed. v	
9-10-74	Pre-trial conf. held. Parties represented by counsel of record. Proposed protective order submitted to court. Pltf. directed to file brief by 11/20/74; def. to 12/20/74; responsive on both parts by 1/10/75. Pltf. to prepare PT Order in 10 days. Case to be set on non-jury docket. (FD-J)rm	
10-4-74	<u>Pre-Trial Order</u> , filed. (FD-J)rm	
10-4-74	Protective Order for preservation of confidential info., filed. (FD-J)rm	
10-15-74	Deft's Ans. to Pltf's 2nd Interr. to Deft., filed. jj	
11-12-74	Ltrs., filed, between FD & pltf. counsel, that case may settle, and pltf. may request ext. of time from 11/20/74 to brief if not settled.	
11-20-74	Appl. of pltf. for ext. of time to file brief in support of complt., filed. rm	
11-22-74	Order, filed, granting Pltf. until 12-10-74 to file brief in support of complaint. Responsive briefs will be due 20 days from the dates set out in the Pretrial Order. (FD-J)v -copies mailed.	
12-6-74	Application of Pltf. for Ext. of Time to File Brief in Support of Complaint until 12-17-74, filed. O to J	
12-9-74	Order, filed, granting pltf. to 12/17/74 to file brief; def. reply brief due 1/17/75. (FD-J)rm- copies mailed	
12-17-74	Pltf's Trial Brief, filed. k	
1-8-75	MO: This case is transferred to Judge Cook by order of ct. (FD-J)rm	
1-20-75	Deft's trial brief, filed. hm	
2-10-75	Applic. of pltf. for ext. of time to file reply brief, filed. hm	
2-10-75	Order, filed, granting pltf. until 2-14-75 to file reply brief, filed. (HDC-J)hm (copies mailed)	
2-14-75	Reply brief of pltf. to deft's trial brief, filed. k <i>copy to HDC</i>	
3-24-75	Case set for non-jury trial 5-12-75 at 10:00 a.m. (HDC-J)hm	
4-24-75	Mot. of Deft. to Strike Trial Setting, filed. v -o as part of mot., all to J.	
4-24-75	Order (as part of motion), filed, granting def. mo/strike trial setting. (HDC-J)rm-copies mailed	
5-8-75	Deposition of Louise O. Baird, filed. g	
5-16-75	Deposition of Dr. Edwin A. Read, filed. g	
5-16-75	Deposition of Ruel A. Allred, filed. g	
m 5-16-75	Exhibits to depositions of Read and Allred, ^{and Baird} filed. (in sep. envelope)g	
7-22-75	Case set for N/J trial 9-15-75 at 10:00 a.m. (HDC-J)hm	
9-8-75	Supplemental trial brief of def., filed. rm	
9-8-75	Pltf's motion to bifurcate trial of issue of damages, filed. hm	

DATE	PROCEEDINGS	Date Order or Judgment Note
9-8-75	Memo. brief in support of mo/bifurcate trial of issue of damages, filed. hm	
9-8-75	Order granting motion to bifurcate trial of issue of damages, filed. (HDC-J)hm (copies mailed)	
9-16-75	Case tried to the Court Sept. 15 & 16. Deft's witness list, pltf's list of witnesses, pltf's list of exhibits & deft's exhibit list, all filed in open court. Parties announce ready. Parties waive opening statements. Pltf. presents case in chief w/test. of witnesses. Pltf's exhibits admitted. Pltf. offers into evidence deft's answers to interrog. filed 10-11-74; offer accepted & said pleading made a part of record and filed in open court. At deft's request and no obj. by pltf., said pleading ordered SEALED and sequestered. Pltf. rests. Deft. presents case in chief w/test. of witnesses. Deft's exhibits admitted. Deft. offers depositions of Louise O. Baird and Dr. Edwin A. Read and exhibits thereto, and they are received into evidence over no obj. by pltf. Deft's request that said depositions be SEALED granted. Parties to prepare and file colation of deposition exhibit numbers and trial exhibit numbers. Deft. offers interrog. served on 7-31-74 & corresponding answers filed 9-10-74 & reads them into record: Nos. 21, 31, 34, 45, 56, 73, 80, 81 & 82. Deft. rests. Pltf. presents rebuttal w/introduction of additional exhibit, and rests. Parties rest. Case submitted to the Court for decision. Parties to submit list of portions of exhibits for Court to read. Parties to file simultaneous briefs 15 days after receiving transcript and reply briefs 10 days thereafter. Parties to also file suggested F/F & C/L. (HDC-J)hm	
9-16-75	Trial exhibits, filed (in exhibit room). hm	
9-16-75	Sealed items, filed in vault. hm	
10-1-75	Reporter's Transcript of Proceedings had on 9/15-16/75NONJURY TRIAL, filed (Orig. & Clk's cpy)lm of pltf.	
10-14-75	Appl./for Ext. of Time to file briefs until 10-28-75, filed.jj O to J	
10-17-75	Order, filed, granting parties until 10-28-75 to file initial post-trial briefs. (HDC-J)hm (copies mailed)	
10-28	Economy's (deft) Post Trial Brief, filed.jj	
10-28	Pltf's Requested Findings of Fact and Conclusions of Law, filed.jj	
10-28	Brief in Support of Pltf's Requested Findings of Fact and Conclusions of Law, filed.jj	
11-6	Appl. of Pltf. for Ext. of Time to File Briefs until 11-18-75, filed.jj O to J	
11-6	Order, filed, granting parties until 11-18-75 to file post-trial reply briefs. (HDC-J)g cpies mailed	
11-18	Economy's brief in resp. to pltf's requested F/F and C/L & the brief in support of pltf's requested F/F and C/L, filed. ph	
11-18	Pltf's brief in response to deft's post trial brief, filed. hm	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-11-76	Memorandum Opinion, filed. g <i>cmf</i>	
3-11-76	Judgment, filed & entered, that plaintiff take nothing; case dismissed on the merits. (HDC-J)g cp mld.	
3-19	Bill of Costs, fld. by the deft., The Economy Co. Hrg. set for 3-31-76 at 10:00 a.m. v	
3-31	Bill of costs, taxed in the amount of \$1,039.22, in favor of the deft. (JCS-CC)ph	
4-9	Notice of appeal by pltf. from judg. of 3/11/76, filed. rm(copy to USCA)	
4-9	Bond for costs on appeal (\$250 cash), filed. rm	
5-17	Appeal record (7 volumes) transmitted to USCA.rm	
2-15-77	Release and satisfaction of judgment for costs, filed. ph (in the amount of \$1,039.22 recovered by deft. Economy Co. against pltf. Educational Dev. Corp.)	
5-12-77	Pltf. appl. ^{w/order} for withdrawal of exhibits. fld. O to J. ho	
5-12	Order, as part of appl. fld. granting appl. to withdrawal of exhibits (HDC-J) cps mld. ho	
10-3-77	Mandate and Opinion of loth Circuit, filed and spread of record, affirming court's judg. of 3/11/76.rm	
10-3-77	Original appeal record (7 vols) received from USCA.rm	
2-28-78	Pltf's appl. for order exonerating bond for costs on appeal and disbursing deposit, filed. ph (Appl a part of order to judge)	
3-1-78	Order, filed, that bond for costs on appeal is hereby ordered to be disbursed to pltf. in sum of \$250.00. (HDC-J)ph cps mld	

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